



.....

**Information Pack:**

00417:Deputy Chamber President of the Health,  
Education and Social Care Chamber of the  
First-tier Tribunal

.....



# CONTENTS

<b>INTRODUCTION.....</b>	<b>2</b>
<b>ARE YOU ELIGIBLE? .....</b>	<b>3</b>
<b>REASONABLE ADJUSTMENTS .....</b>	<b>6</b>
<b>JOB DESCRIPTION .....</b>	<b>6</b>
<b>THE SELECTION PROCESS.....</b>	<b>8</b>
<b>CONTACTS AND FURTHER INFORMATION .....</b>	<b>9</b>
<b>JAC NOMINATED REFEREES .....</b>	<b>11</b>
<b>JAC COMMISSIONERS .....</b>	<b>12</b>

## INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of Deputy Chamber President of the Health, Education and Social Care Chamber (HESC) of the First-tier Tribunal. The JAC has been asked to select candidates to fill two vacancies. The closing date for applications is **12 March 2009**.

The Health, Education and Social Care Chamber of the First-tier Tribunal brings together the former jurisdictions of the Mental Health Review Tribunal for England, the Special Educational Needs and Disability Tribunal for England (SENDIST) and the Care Standards Tribunal (CST) (apart from its jurisdiction under section 4 of the Safeguarding Vulnerable Groups Act 2006). It is expected that the jurisdiction of the Family Health Service Appeal Authority (FHSAA) will join the Chamber in due course. The Chamber came into operation on 3 November 2008.

The first Chamber President is His Honour Judge Phillip Sycamore. He provides leadership and management for the Chamber. He may give directions as to the practice and procedure of the Chamber, and is responsible for the career development of judges/members within the Chamber; maintaining and building high standards of case management and decision making and ensuring the Chamber is run efficiently and effectively within its resources. The two Deputy Chamber Presidents will be expected to support the Chamber President in his responsibilities, as well as to sit regularly in their jurisdictions. Together they will constitute the senior judicial team for the Chamber. Appropriate training will be provided, if required.

One Deputy will deal predominantly with the mental health jurisdiction and will be able to choose whether to be based in London or Manchester. The other will deal with the former SENDIST and CST (and when it joins in the future, FHSAA) jurisdictions, and be based in London. Both Deputies' sitting and other responsibilities will routinely involve travel to different parts of the country.

Deputy Chamber Presidents are, by virtue of their appointment, judges of the Upper Tribunal.

This pack contains the information that you need about the appointments. It includes eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website ([www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)) along with the terms and conditions of service for these posts. You will also need to demonstrate the qualities and abilities required for this office.

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

## ARE YOU ELIGIBLE?

To be eligible for appointment as Deputy Chamber President of the First-tier Tribunal you must meet the following requirements.

### **Statutory requirement**

Under section 7 and paragraph 5 of Schedule 4 of the Tribunals, Courts and Enforcement Act 2007 (“TCE Act”), a Deputy Chamber President is appointed by the Lord Chancellor, after consulting the Senior President of Tribunals about whether a Deputy Chamber President should be appointed for the Chamber concerned. A person is eligible for appointment under section 7 only if the person:

- (a) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 of the TCE Act (see below);
- (b) is a transferred-in judge of the Upper Tribunal;
- (c) is a judge of the Upper Tribunal by virtue of:
  - section 5(1)(d) (legally qualified member of Asylum and Immigration Tribunal),
  - section 5(1)(e) (Social Security Commissioner for Northern Ireland),
  - section 5(1)(g) (certain judges of courts in the United Kingdom), or
  - section 5(1)(h) (deputy judge of the Upper Tribunal), or
- (d) falls within none of the paragraphs (a) to (c) but is eligible to be appointed under paragraph 1(1) of Schedule 3 as a judge of the Upper Tribunal.

### Schedule 3

1. (1) Her Majesty, on the recommendation of the Lord Chancellor, may appoint a person to be one of the Judges of the Upper Tribunal.
  - (2) A person is eligible for appointment under sub paragraph (1) only if the person:
    - (a) satisfies the judicial-appointment eligibility condition on a seven year basis,
    - (b) is an advocate or solicitor in Scotland of at least seven years’ standing,
    - (c) is a barrister or solicitor in Northern Ireland of at least seven years’ standing, or
    - (d) in the Lord Chancellor’s opinion, has gained experience in law which makes the person suitable for appointment as if the person satisfied any of the paragraphs (a) to (c).

The TCE Act has introduced the '**judicial-appointment eligibility condition**' in England and Wales. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. You will have to show that:

- you have possessed a relevant legal qualification;
- for the requisite period; and
- that whilst holding that qualification you have been gaining legal experience.

#### Relevant Qualification in England and Wales

You have a relevant qualification if you are a **solicitor or barrister**.

- You will be first considered as a solicitor when your name is entered on the Roll kept under section 6 of the Solicitors Act 1974. The Lord Chancellor requires a solicitor (or a salaried judicial office holder who was formerly a solicitor) to appear on the Roll.
- You will first be considered as a barrister:
  - a) when you have completed pupillage in connection with becoming a barrister or
  - b) if you are not required to undertake pupillage in connection with becoming a barrister, when you are called to the bar of England and Wales.

When applying for a judicial appointment under b), you will need to provide, in the Application Form, details of why you are not required to undertake pupillage.

#### Legal Experience

In order to be eligible for judicial appointment, you must not only be in possession of the relevant qualification, but must also have been engaged in 'law related activity' whilst holding that qualification.

#### Meaning of Law Related Activity

An activity is considered to be a law related activity whether or not it is undertaken for remuneration, and whether or not it is undertaken on a full or part-time basis.

Each of the following is a relevant law related activity:

- a) The carrying out of judicial functions of any court or tribunal
- b) Acting as an arbitrator
- c) Practice or employment as a lawyer
- d) Advising (whether or not in the course of practice or employment as a lawyer) on the application of the law
- e) Assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law
- f) Acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings
- g) Drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations

- h) Teaching or researching law
- i) Any activity that in the relevant decision-maker's opinion is of a broadly similar nature to an activity within paragraphs (a) to (h)

Category b) is intended to cover arbitrations where legal disputes are resolved on a reasonably formal, structured basis. For example, it would cover arbitrations governed by the Arbitration Act 1996, and carried out by a person who is accredited by a body such as CEDR (Centre for Effective Dispute Resolution).

Categories d) – g) are also intended to cover activities which are carried out on a reasonably formal, structured basis, for example volunteers who give legal advice in a law centre, or citizens advice bureau. However, it is not intended to cover (say) a person who gives informal advice to friends and neighbours.

Category (e) is intended to cover legal assistance, rather than other kinds of support.

Category (g) is intended to cover drafting which involves legal judgment and skill, such as drafting contracts and leases. It is not intended to cover drafting which may affect rights or obligations, but are essentially administrative tasks, e.g. filling in enforcement orders, or penalty notices.

The purpose of (i) is to cover the possibility of some kinds of law-related activity that might not quite fit within (a) – (h).

Your engagement in law-related activities during a period will be disregarded if the engagement is 'negligible in terms of the amount of time engaged'.

### **Previous service in a judicial office**

The Lord Chancellor expects applicants to have normally served in a judicial office in a fee paid or salaried capacity for at least two years or to have completed 30 sitting days before the closing date for applications.

### **Age**

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70 for all judges.

### **Nationality**

You must complete a declaration of your nationality in the Application Form. In order to qualify for this post, you must be a citizen of:

- the United Kingdom or
- another Commonwealth country or
- the Republic of Ireland

### **Character**

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk). You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

### Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Applicants for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you should inform us immediately (see the 'Contacts and Further Information' section of this Information Pack).

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

### Good character checks

The JAC will also, on occasion, carry out its own checks on candidates. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

### **Disqualification**

You should note that the House of Commons Disqualification Act 1975 applies to this office.

## **REASONABLE ADJUSTMENTS**

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act, as they are for serving judges. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the Tribunals Service after the JAC has made its recommendation.

## **JOB DESCRIPTION**

The following information has been provided by the Ministry of Justice.

### **Deputy Chamber President – Health, Education and Social Care Chamber of the First-tier Tribunal**

#### **General**

The Health, Education and Social Care Chamber of the First-tier Tribunal brings together the former jurisdictions of the Mental Health Review Tribunal for England, the Special Educational Needs and Disability Tribunal for England (SENDIST) and the Care Standards Tribunal (CST) (apart from its jurisdiction under section 4 of the Safeguarding Vulnerable Groups Act 2006). It is expected that the jurisdiction of the Family Health Service Appeal Authority (FHSAA) will join the Chamber in due course. The Chamber came into operation on 3 November 2008.

The first Chamber President is His Honour Judge Phillip Sycamore. He provides leadership and management for the Chamber. He may give directions as to the practice and procedure of the Chamber, and is responsible for the career development of judges/members within the Chamber; maintaining and building high standards of case management and decision making and ensuring the Chamber is run efficiently and effectively within its resources. The two Deputy Chamber Presidents will be expected to support the Chamber President in his responsibilities, as well as to sit regularly in their jurisdictions. Together they will constitute the senior judicial team for the Chamber. Appropriate training will be provided, if required.

One Deputy will deal predominantly with the mental health jurisdiction and will be able to choose whether to be based in London or Manchester. The other will deal with the former SENDIST and CST (and when it joins in the future, FHSAA) jurisdictions, and be based in London only. Both Deputies' sitting and other responsibilities will routinely involve travel to different parts of the country.

Deputy Chamber Presidents are, by virtue of their appointment, judges of the Upper Tribunal.

### **Main Duties**

The precise functions will be a matter for the Senior President and the Chamber President and may change but the Deputy Presidents may expect to be involved in some or all of the following:

- **Judicial Responsibilities:**
  1. **Preparing For Hearing And Case Management:** Preparing for hearings by reading and assimilating papers, including the study of written documents and reports; giving guidance and detailed directions; dealing with interlocutory matters.
  2. **Presiding Over Hearings:** As a single member or as part of a panel but usually expected to chair the panel, the Deputy would *control* (in accordance with the relevant law and practice) case conduct; ensuring that parties, whether present or represented or not, are enabled to have their case presented. This includes deciding issues of law and procedure, and taking the initiative to ensure all relevant matters are dealt with expeditiously, while maintaining the authority and dignity of the Tribunal.
  3. **Determinations:** The Deputy will be finding facts, applying relevant law and giving reasoned, written determinations, referring to established case law and guidance as appropriate. The Deputy will take a lead role, or the sole responsibility for the decision and drafting of the decision.
- **Training:** specifying training requirements for their jurisdictions, drawing together training needs for new judges/members from their knowledge of the law and in consultation with judges/members; working with individual judges and members to identify training needs; devising and quality-assuring training solutions.
- **Guidance:** providing informal guidance on matters relating to their jurisdictions and advising the Chamber President on the need for formal guidance (eg practice directions and case management).

- **Welfare:** ensuring that welfare needs are taken into account for example by identifying judges/members who would benefit from additional training or mentoring or revised sitting patterns to help them cope with their workload.
- **Deployment:** Advising the Chamber President on the Chamber's internal ticketing arrangements, considering which judges and members might be suitable for assignment to other jurisdictions or chambers and deciding, within the limits of their delegated authority and where appropriate, the allocation of cases to judges and members.

One or both Deputies may be required to take on the functions of the Chamber President if the President is absent. They may also be asked by the Senior President to take on wider roles in respect of the tribunal system as a whole. Strong management and leadership skills are required.

Except for other judicial duties (eg as a Recorder) Deputy Chamber Presidents will be expected to devote themselves full-time to the work of the Chamber.

The salary for this post will be £126,400.

### **Further Information**

The full Job Description and outline Terms and Conditions for this post can be found on the [JAC website](#).

## THE SELECTION PROCESS

### **Application form**

Details of the qualities and abilities against which you will be assessed are set out in the Application Form and you should note that of these, leadership and management will be weighted most heavily. You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

### **Timetable**

Closing date for applications	12 March 2009
Provisional dates for selection days	18 & 19 May 2009

### **Shortlisting**

Shortlisting will be carried out by a panel conducting a paper sift. If you are shortlisted, you will be invited to a selection day, which will take place in London. Further details will be sent with your invitation to attend. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted.

### **References**

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the shortlisting takes place and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform the shortlisting and selection day decisions. It will also inform the final selection decisions by Commissioners.

Please note that the JAC may request references for candidates **before** good character and eligibility checks are complete. Therefore, progress of your application to the shortlisting stage will be subject to approval by the Commission.

### Candidate nominated

- You are invited to nominate up to three referees who know you well either personally or professionally. **We strongly recommend that you check with your referees that they are not conflicted in any way.**
- You should not nominate a Judicial Appointments Commissioner as a referee unless you already hold an appointment in the Care Standards Tribunal, in which case you may, exceptionally, nominate **His Honour Judge David Pearl** in his capacity as President of the Tribunal.
- The Chamber President, **His Honour Judge Phillip Sycamore**, is unable to provide references as he will be on the Sift and Interview Panels. If you would normally have sought him as a referee, you should instead consider the Regional Tribunal Judge or other senior Tribunal judge within the jurisdiction.

### JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons. If you do not currently hold a judicial office and have excluded your relevant professional referee, you must suggest an alternative referee who is familiar with your work.

### **Conflict of interest**

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

### **Outcome of the selection exercise**

You will be advised of the outcome of your application in writing.

If you are unsuccessful at the selection day stage of the process, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within four working weeks.

### **Complaints procedure**

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints procedure, which is available from our website, or in writing on request.

### **Medical examination**

You may be asked to undergo a medical examination before taking up appointment.

## CONTACTS AND FURTHER INFORMATION

### **Obtaining an application form**

All the information about applying for this selection exercise is available at [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk) (current selection exercises).

The Application Form for this selection exercise can be obtained electronically by downloading it from the website.

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please contact the JAAS team.

### **Acknowledgement of your application**

You should receive an acknowledgement of your application within five working days of receipt. If you do not, please contact the JAAS team by telephone or e-mail.

#### **Contact details:**

##### 1. JAAS

**Reference: 00417** (Please use this reference on all communications)

Judicial Appointments Commission  
2nd Floor, Steel House  
11 Tothill Street  
London  
SW1H 9LH

DX 149822 WESTMINSTER 6

**E-mail:** jaas@jac.gsi.gov.uk

**Telephone:** 0203 334 0123

##### 2. Selection Exercise Team:

Jeremy Brooks	020 3334 0089	Selection Exercise Manager
Shanaz Hayat	020 3334 0350	Team Manager
Tia Pooler	020 3334 0308	Team Leader

E-mail: TribunalsTeamA@jac.gsi.gov.uk

Fax: 020 3334 0300

##### 3. Director:

Sue Bush (Sarah Gane from March 2009) 020 3334 0567

# JAC NOMINATED REFEREES

The JAC may also request references from those categories listed below.

## Judicial referees

If you hold a judicial office not in this list, please contact the JAC so that we can consider who should be nominated as your judicial referee.

If you sit on a Tribunal, the Tribunal President or equivalent. (See also page 9 of this pack).

If you are a Recorder, the Resident Judge, the Designated Civil Judge or the Designated Family Judge in the court(s) where you sit most often.

If you are a Circuit Judge, the relevant senior Presiding Judge.

If you are a District Judge or Deputy District Judge, the local Designated Civil Judge.

If you are a District Judge of the Principal Registry of the Family Division or Deputy District (PRFD), the Senior District Judge (PRFD).

If you are a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

If you are a Sheriff Principal, the Lord Justice Clerk (Scotland only).

If you are a Sheriff, the Sheriff Principal (Scotland only).

## Professional referee

If you are a solicitor, your managing partner or relevant equity partner.

If you are a barrister, your Head of Chambers or (Northern Ireland only) your senior member of the Bar Library.

If you are an advocate, the Dean of the Faculty of Advocates (Scotland only).

If you are employed, your line manager or equivalent.

# JAC COMMISSIONERS

## **Chairman of the JAC**

Baroness Usha Prashar CBE

## **Members**

Mrs Justice Jill Black DBE

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Lady Justice Heather Hallett DBE

Sir Geoffrey Inkin OBE

Her Honour Judge Frances Kirkham

Mr Edward Nally

Ms Sara Nathan OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson